



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,987	04/20/2001	Edward W. Porter		3112

7590 03/24/2005
Edward W. Porter
Porter & Associates
Suite 600
One Broadway
Cambridge, MA 02142

EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,987

Applicant(s)

PORTER, EDWARD W.

Examiner

Jean M Corrielus

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-26, 28 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 14-26 and 34-36 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/23/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on September 20, 2004, in which claims 1-9, 14-26, 28 and 34-38 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9, 14-26, 28 and 34-38 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on September 20, 2004 complies with the provisions of M.P.E.P. 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the relative" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., (hereinafter "Smith") US Patent no. 6,594,673 and Heckerman US Patent no. 6,633,852.

As to claim 1, Smith discloses an interactive collaborative information visualization system that includes a database of collaborative information and a database filter to obtain and measure a user-selected portion of the collaborative information. In particular, Smith discloses the claimed "storing a plurality of information nodes" (col.4, lines 32-46; col.6, lines 5-60; fig.4-7).

However, Smith does not explicitly disclose the use of calculating a group ordinal ranking of

Art Unit: 2162

each of said set of nodes under said parent node, as a function of the ordinal ranking given to each of said nodes by each of a group of individual users; and displaying said set of nodes under said parent node ordered as a function of the group ordinal ranking calculated.

Heckerman discloses the claimed “providing a user interface enabling each of a plurality of users to explicitly order a relative ordinal ranking with each of a set of said nodes under another of said nodes which functions as a parent node” browser that determines a list of product in which the user will most likely be interested by having the user state a preference for only those features is most likely interested and display the list and also the browser has identified as being most relevant to the determination of the products that the user may like (col.3, lines 33-57) and weights which indicate the importance of each node to each preference node (col.10, lines 55-65); “calculating a group ordinal ranking of each of said set of nodes under said parent node, as a function of the explicit ordinal ranking given to each of said nodes by each of a group of individual users” (col.16, lines 24-35); and “displaying said set of nodes under said parent node ordered as a function of the group ordinal ranking calculated” (col.16, lines 49-55).

It would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references, wherein the interactive collaborative information (see Smith’s fig.2) would incorporate the use of calculating a group ordinal ranking of each of said set of nodes under said parent node, as a function of the ordinal ranking given to each of said nodes by each of a group of individual users; and displaying said set of nodes under said parent node ordered as a function of the group ordinal ranking calculated. The motivation being to indicate the available product having the greatest likelihood of being the desired product to the user

As to claim 2, Smith does not explicitly disclose the claimed of calculating a group ordinal ranking, calculates the ordinal ranking as a function of the selected group based on the ordinal rankings given to nodes by users of the selected group.

Heckerman, on the other hand, discloses the claimed “providing a user interface enabling a user to select from different groups of users” browser that determines a list of product in which the user will most likely be interested by having the user state a preference for only those features is most likely interested and display the list and also the browser has identified as being most relevant to the determination of the products that the user may like (col.3, lines 33-57) and weights which indicate the importance of each node to each preference node (col.10, lines 55-65); and “wherein said step of calculating a group ordinal ranking, calculates the ordinal ranking as a function of the selected group based on the ordinal rankings given to nodes by users of the selected group” (col.16, lines 24-35). It would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references, wherein the interactive collaborative information (see Smith’s fig.2) would incorporate the use of calculating a group ordinal ranking of each of said set of nodes under said parent node, as a function of the ordinal ranking given to each of said nodes by each of a group of individual users. The motivation being to indicate the available product having the greatest likelihood of being the desired product to the user.

Art Unit: 2162

As to claim 3, Smith discloses the claimed “wherein there are a plurality of said parent nodes under which other nodes are ranked by said method, including some parent nodes under which are ranked other of said parent nodes by said method, so as to create a data structure which can be viewed as a hierarchy”(col.4, lines 33-60; col.5, lines 43-65).

As to claim 4, Heckerman, discloses the claimed “wherein said user interface which allows users to associate an ordinal ranking with nodes, enables users to” browser that determines a list of product in which the user will most likely be interested by having the user state a preference for only those features is most likely interested and display the list and also the browser has identified as being most relevant to the determination of the products that the user may like (col.3, lines 33-57) “associate a separate ordinal ranking of one node under each of a plurality of said parent nodes” weights which indicate the importance of each node to each preference node (col.10, lines 55-65); and “said calculating of a group ordinal ranking calculates a separate ranking for a said one node under each of said plurality of parent nodes” (col.16, lines 24-35).

As to claim 9, Smith discloses the claimed “some of said parent nodes ranked under another parent node are statement nodes which make a statement” (col.4, lines 32-46); and “some of said statement nodes are themselves parent nodes under which other statement nodes are ranked, which other statement node either support or oppose the statement made by their parent statement node” (col.5, lines 5-30).

Art Unit: 2162

As to claim 28, Smith discloses the claimed “storing a plurality of information nodes” (col.5, lines 15-30; col.6, lines 11-40); “providing a user interface enabling each of a plurality of users to associate a selected one of a plurality of values with each of a, set of said nodes under another one of said nodes which functions as a parent node” (col.8, lines 58-67); “providing a user interface for enabling a user to select, as a groups, the users who have selected to associate a given set of one or more of said values with a given node, and to select to address said message to said group” (col.8, lines 58-67); “providing a user interface enabling a user to select from different groups of users” (col. 8, lines 58-67); “calculating a group ordinal ranking of each of said set of nodes under said parent node, as a function of the values given to said nodes by each of a group of individual users”(col.16, lines 24-35). However, Smith does not disclose of displaying said set of link nodes under said parent node as a function of said calculated ordinal ranking.

Heckerman, on the other hand, discloses “displaying said set of link nodes under said parent node as a function of said calculated ordinal ranking” (col.16, lines 24-35); and “wherein said step of calculating a group ordinal ranking, calculates the ordinal ranking as a function of the selected group based on said values given to nodes by users of the selected group” (col.16, lines 24-35). It would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references, wherein the interactive collaborative information (see Smith’s fig.2) would incorporate the use of calculating a group ordinal ranking of each of said set of nodes under said parent node, as a function of the ordinal ranking given to each of said nodes by each of a group of individual

Art Unit: 2162

users. The motivation being to indicate the available product having the greatest likelihood of being the desired product to the user.

Allowable Subject Matter

8. Claims 5-8, 14-26; and 34-36 are allowable in light of the applicant's arguments and the prior art made of record.

Reasons for Indicating Allowable Subject Matter

9. The present application has been thoroughly reviewed. Upon searching a variety of databases, the examiner respectfully submits that "calculating a combined list ordinal ranking for each of said sub-nodes listed in said combined sub-node list as a function of the values given to said sub nodes by each of said group of individual users under the selected parent node and its descendant nodes; and displaying said sub-nodes in said combined sub-node list as a function of said calculated combined list ordinal ranking; and providing a user interface on a client computer allowing a user to define a quote occurring in media available at an address elsewhere on an inter network than on said server computer, and an identification of said address; downloading from said address to said server said media and verifying if said quote occurs in it, and if so generating verification media which identifies that: said quote occurred in said media; and providing a user interface on said client computer for enabling said user to insert said verification media into a node which can be stored in a ranked node on said server"-- in conjunction with all other limitations of the dependent and independent claims are not taught by the prior art of record (PTO-892, 1449). Therefore, all claims 5-8, 14-26; and 34-36 are hereby allowable.

Remark

10. Applicants asserted that neither Smith nor Heckerman discloses the use of explicitly ordering the relative ordinal ranking. The examiner disagrees with the precedent assertion. The examiner kindly submits that the appellant misread the applied references. However, when read and analyzed in light of the specification, the invention as claimed does not support applicants' assertions. The aforementioned assertion wherein neither Smith nor Heckerman fails to teach applicant's claimed element "explicitly ordering the relative ordinal ranking", was unsupported by objective factual evidence and was not found to be substantial evidential value. The term "explicitly" is not a technical term. It does not provide breath to the claims as argued by the Applicants. Moreover, for this assertion to have merit, it is important to applicants provide some forms of evidence that convincingly show that examiner's references do not meet the claims language. It is important to note that the term "explicitly" the Applicants are relied upon is not described the specification in a way to enable one having ordinary skill in the art to make and use the invention. Furthermore, applicants are reminded that 37 CFR 1.111(b) states, "a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirement of this section". Thus, applicants' assertions are just mere allegation with no supported fact by failing to specifically point out how the language of the claims patentably distinguished them from the cited references. The aforementioned assertion is moot. Refer to the rejection above.

Conclusion.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2162

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus
Primary Examiner
Art Unit 2162

March 8, 2005